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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/797,826	03/10/2004	Dieu Dai Huynh	AVERP3525USB 1916		
7590 04/21/2006			EXAM	EXAMINER	
Heidi A. Boeh	lefeld		HESS, BI	RUCE H	
Renner, Otto, B	oisselle & Sklar, LLP		· · · · · · · · · · · · · · · · · · ·		
Nineteenth Floor			ART UNIT	PAPER NUMBER	
1621 Euclid Avenue			1774		
Cleveland, OH 44115-2191			DATE MAILED: 04/21/2006	DATE MAILED: 04/21/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

### Diffice Action Summary Total Process Communication appears on the cover sheet with the correspondence address Period for Reply		Application No.	Applicant(s)			
Bruce H. Hess		10/797,826	HUYNH, DIEU DAI			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extentions of time may be available under the provisible of 37 CFR 11360, in no event, however, may a reply be timely filed with the SX (8) MONTHS from the maining date of this communication of 37 CFR 11360, in no event, however, may a reply be timely filed with the SX (8) MONTHS from the maining date of this communication. Fallule to received by the file set or excluded privide for reply will, by stated, cause the application of coordinates the file of the communication. Fallule to receive the maintained the state than three morths after the mailing date of this communication, even if threely filed, may reduce any event of pricinic time adjustment. See 37 CFR 1.7461, and the mailing date of this communication, even if threely filed, may reduce any event of pricinic time adjustment. See 37 CFR 1.7461, and the mailing date of this communication, even if threely filed, may reduce any event of pricinic time adjustment. See 37 CFR 1.7461, and the pricinic time adjustment is a set of the communication of the mailing date of this communication. 1) Responsive to communication(s) filed on	Office Action Summary	Examiner	Art Unit			
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The specification is objected to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some or old None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Discosure Statement(s) (PTO-1449 or PTO/SB/08)	Status					
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3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)	· · · · · · · · · · · · · · · · · · ·					

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Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-6 and 20, drawn to thermal transfer image receiving sheets and process of making the same, classified in class 503, subclass 227.
- II. Claims 7-19, drawn to compositions, classified in class 525, subclass 1+.

The inventions are independent or distinct, each from the other because the aqueous composition of Group II loses its identity in the invention of Group I (i.e., it is dried).

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

2. All claims are also subject to the following election of species.

This application contains claims directed to the following patentably distinct species. Receiving sheets and compositions employing either:

- A. At least one water dispersible aliphatic polyester-polyurethane resin (claims 1-13); and
- B. An aqueous dispersion of an aliphatic polyether-polyurethane resin (claims 1-6 and 14-19).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-6 and 19 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims

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readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

- Thus, applicant should elect one of Groups I or II and one of species A or B.
- Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.
- The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.
- Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions

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unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

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